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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/203,166 12/01/98 BEALL G CGW-235.1

MM42/0730

EXAMINER

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ULLAH, A

ART UNIT	PAPER NUMBER
2874	7

DATE MAILED: 07/30/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Ap
Ex.

on No.	Applicant(s)
203,166	Weidman et al.
r	Group Art Unit
Akm Enayet Ullah	2874

Responsive to communication(s) filed on May 20, 1999

This action is FINAL.

Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 19

A shortened statutory period for response to this action is set forth in the communication. Failure to timely respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extension of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

Claim(s) 41-61
Of the above, claim(s) _____
 Claim(s) 41-50 and 54-59
 Claim(s) 51, 53, 60, and 61
 Claim(s) 52
 Claims _____

Application Papers

See the attached Notice of Draftsperson's Patent Drawing Review.
 The drawing(s) filed on _____ are objected to by the Examiner.
 The proposed drawing correction, filed on _____ is approved.
 The specification is objected to by the Examiner.
 The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

Acknowledgement is made of a claim for foreign priority.
 All Some* None of the CERTIFIED copies received.
 received in Application No. (Series Code, Serial No. _____) from the International Bureau (PCT Rule 17.2(a)).
 received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
*Certified copies not received: _____

Acknowledgement is made of a claim for domestic priority.

Attachment(s)

Notice of References Cited, PTO-892
 Information Disclosure Statement(s), PTO-144, Paper(s) _____
 Interview Summary, PTO-413
 Notice of Draftsperson's Patent Drawing Review, PTO-94
 Notice of Informal Patent Application, PTO-142

rmal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 19

month(s), or thirty days, whichever expires. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extension of time may be obtained under the provisions of 37 CFR 1.136(a).

is/are pending in the application.

is/are withdrawn from consideration.

is/are allowed.

is/are rejected.

is/are objected to.

are subject to restriction or election requirement.

view, PTO-948.

to by the Examiner.

is approved disapproved.

er 35 U.S.C. § 119(a)-(d).

e priority documents have been

r) _____.

International Bureau (PCT Rule 17.2(a)).

nder 35 U.S.C. § 119(e).

02

FOLLOWING PAGES ---

BEST AVAILABLE COPY

Art Unit:

Specification

Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

A restriction was made in this application on March 25, 1999 (Paper no. 4) in claims 1-40. Claims 1-40 have been canceled by an amendment. **Claims 41-61 are pending** in this application.

This application is a continuation of U.S. Application No. 09/101, 630 filed on July 14, 1998, which is the US national phase filing of PCT/US96/13062 filed on August 07, 1996, which claims the benefit under 35 USC 119 (e) of U.S. Provisional Application No.60/010,058, filed on January 16, 1996.

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Drawings

The drawings filed on December 01, 1998 are approved by the Draftsperson under 37 CFR 1.84 or 1.152. See the attached PTO-948.

Art Unit:

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 51 & 53 are rejected under 35 U.S.C. 102 (b) as being clearly anticipated by Material Chemistry and Physics, vol. 42, 1995 pages 214-215 by A.K. Chu et al.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary.

Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103[®] and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

Claims 60-61 are rejected under 35 U.S.C. 103 (a) as being unpatentable over MacDonald et al. (U.S.P.NO. 5,367,589).

Art Unit:

MacDonald et al disclose a package for an optical fiber that controls the amount of strain to which the fiber is subjected. MacDonald further disclose a method for placing an optical fiber with at least one grating written therein into a package. Column 1 and 2 of Mac Donald et al clearly disclose all the feature of the invention. **It is noted that MacDonald et al has inherently negative coefficient of thermal expansion. For details see column 2, lines 46-65 of MacDonald et al.**

It would have been obvious to one of ordinary skill in the art at the time the invention was made to attach the fiber to a substrate instead of a package 24 since it is known to attach of fiber to a substrate, as claimed, if desired since MacDonald et al teach the gist of the invention.

Evaluations of the level of ordinary skill in the art requires consideration of such factors as various prior art approaches, types of problems encountered in the art, rapidity with which innovations are made, sophistication of technology involved, educational background of those actively working in the field, commercial success, and failure of others.

Art Unit:

The “person having ordinary skill” in this art has the capability of understanding the scientific and engineering principles applicable to the claimed invention. The evidence of record including the references and/or the admissions are considered to reasonably reflect this level of skill.

Claim Objected

Claim 52 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims Allowed

Claims 41-50 and 54-59 are allowed over the prior art as of record.

Art Unit:

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Examiner Akm Enayet Ullah** whose telephone number is (703) 308-4885.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0956.



AKM ENAYET ULLAH
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TECH. CENTER 2874